

HOUSE BILL 3181

By Richardson

AN ACT to amend Tennessee Code Annotated, Title 8;
Title 36, Chapter 6; Title 36, Chapter 4 and Title
37, relative to guardians ad litem.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-4-132, is amended by adding the following new subsection (d):

(d)

(1) The court may not appoint a party to the proceedings, a party's employee, a party's representative or any person who has a conflict of interest with any party to the proceeding as the guardian ad litem.

(2) At least five (5) days prior to the court's appointment of a guardian ad litem, the court shall notify all interested parties of the name of the proposed appointment. Any party who, at any time, perceives a conflict of interest between the guardian ad litem and any party to the proceeding or knows of any other reason why such person should not be appointed or continue to serve as guardian ad litem may file a motion with the court setting forth the nature of the conflict or other reason and a request that the guardian ad litem be disqualified from appointment or further service in the case. If the court finds that a conflict of interest or other reason exists, the court shall relieve the guardian ad litem from further duties in the case and appoint a new guardian ad litem.

(3) For purposes of this subsection (d), "conflict of interest" means any matter in which the guardian ad litem has a direct or indirect interest that is in conflict or gives the appearance of conflict with the discharge of the guardian ad litem's duties pursuant to this section.

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it.